IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO.1038 OF 2007
IN
COMPANY APPLICATION NO.221 OF 2001
IN
COMPANY PETITION NO.416 OF 1997

DCM Daewoo Motors Ltd. ...Petitioners

And

M/s.Simshah Estates & Trading Co.Pvt.Ltd. ...Applicant

V/s.

Official Liquidator of M/s.Atash Industries (India) Ltd. & Anr. ...Respondents

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Ms.Yogini Gada i/b M/s.Harakhchand & Co. for Applicant.

Mr.S.Ramakantha,Dy.Official Liquidator is present.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 6, 2007.

P.C.

1. The explanation offered in the affidavit namely the mistake occurred on account of the lapse of the clerk is unacceptable. The Advocate appearing for the Applicant fairly concedes that

the primary responsibility to watch the Board is of the Advocate on record himself. The mistake of clerk cannot absolve the Advocate.

2. As the Advocate has shown remorse for the mistake and as the litigant should not suffer for the mistake of the Advocate, Application is made absolute in terms of prayer clauses (a) and (b). Disposed off accordingly.

3. Company Application No.221 of 2001 be listed on 17th December 2007.

A.M.KHANWILKAR, J.